



PRESENT:

Dr. Edgar V. Wallin, Chairman
Mr. J. Dale Patton, Vice-Chairman
Dr. William P. Brown
Mr. Reuben J. Waller, Jr.
Mr. Kirkland A. Turner, Secretary to the Commission,
Planning Director

ABSENT: Mr. Russell Gulley

ALSO PRESENT:

Mr. Glenn Larson, Assistant Director,
Plans and Information Section, Planning Department
Mr. Michael E. Tompkins, Assistant Director,
Development Review Section, Planning Department
Mr. Steven F. Haasch, Planning Manager,
Plans and Information Section, Planning Department
Ms. Bonnie L. Perdue, Clerk to the Commission,
Plans and Information Section, Planning Department
Ms. Stacy Taffer, Administrative Manager,
Plans and Information Section, Planning Department
Ms. Heather Barrar, Senior Planner,
Plans and Information Section, Planning Department
Mr. Rob Robinson, Senior Assistant County Attorney,
County Attorney's Office
Ms. Tara McGee, Assistant County Attorney,
County Attorney's Office
Dr. David Pritchard, Special Projects Manager,
County Administration
Ms. Jane Peterson, Planning and Special Projects Manager,
Development Review Section, Planning Department
Mr. Robert Clay, Planning and Special Projects Manager,
Development Review Section, Planning Department
Ms. Darla Orr, Planning and Special Projects Manager,
Development Review Section, Planning Department
Mr. Ray Cash, Senior Planner,
Development Review Section, Planning Department
Mr. Ryan Ramsey, Senior Planner,
Development Review Section, Planning Department
Ms. Teresa C. Davis, Planning and Special Projects Coordinator,
Development Review Section, Planning Department
Mr. Jesse Smith, Director,

HISTORIC PRESERVATION COMMITTEE:

Ms. Mary Ellen Howe, Chairman
Mr. Jim Daniels, Vice-Chairman
Mr. J. Carl Morris
Mr. Bryan Walker
Mr. G. M. "Skip" Wallace
Mr. David Dutton

ABSENT: Mr. John V. Cogbill, III

Transportation Department
Mr. Scott Smedley, Director
Environmental Engineering Department
Mr. Dave Wolverton, Microcomputer Analyst
Information Systems Technology
Firefighter Greg Smith, Fire and Life Safety,
Fire and EMS Department
Dr. Cynthia Richardson, Director of Planning,
Chesterfield County Public Schools
Mr. Charles Horneck, Intern,
Planning Department
Mr. Will Davis, Director,
Economic Development
Ms. Latisha Jenkins, Revitalization Coordinator
Economic Development
Mr. Zach Mayo, Senior Planner,
Plans and Information Section, Planning Department
Ms. Amy Somervell, Senior Planner,
Development Review Section, Planning Department

ASSEMBLY AND WORK SESSION.

Messrs. Wallin, Patton, Brown and Waller and staff assembled at 3:00 p.m. in the Public Meeting Room, Chesterfield County Administration Building, 10001 Iron Bridge Road Chesterfield, VA, for a work session.

I. CALL TO ORDER.

II. REQUESTS TO POSTPONE ACTION, EMERGENCY ADDITIONS, CHANGES IN THE ORDER OF PRESENTATION.

The order of presentations is as follows:

- I. Call to Order.
- II. Requests to Postpone Action, Emergency Additions, and Changes in the Order of Presentation.
- III. Review Upcoming Agendas. (Any rezonings or conditional uses scheduled for future meetings.)
- IV. Review Day's Agenda. (Any items listed for the 4:00 and 6:00 p.m. Sessions.)
- V. Work Program – Review and Update.
- VI. Planning Commission Follow-Up Items List.
- VII. Revitalization Strategy Status Update.
- VIII. (14PJ0140) Code Amendment Relative to Planning Department Fees for FY 2015.
- IX. (14PJ0150) County Staff Presentation: Municipal Separate Storm Sewer Systems Permit.
- X. (14PJ0151) Planning Staff Presentation: Demographic & Population Trends.
- XI. Recess.

III. REVIEW UPCOMING AGENDAS.

Ms. Jane Peterson apprised the Commission of the caseload agendas for June, July, August and September 2014.

IV. REVIEW DAY'S AGENDA.

Mr. Greg Allen advised there was one (1) case for the 4:00 p.m. session, Case 14TW0171, Chesterfield Development Inc.

Ms. Jane Peterson advised the Commission of the cases for today's agenda.

V. WORK PROGRAM - REVIEW AND UPDATE.

Mr. Turner stated to the Commission that staff has requested a June public hearing for the code amendments relative to Wind Energy Systems and Natural Resource Inventory at the Board. There were no questions from the Commission relative to the work program or the code amendments.

Mr. Waller questioned the number of cases coming up in July relative to cash proffers and when community meetings would take place allowing the public to express their opinions regarding the cash proffer issue.

Dr. Brown advised Mr. Holland has scheduled a community meeting on June 2 at Meadowbrook High School to get input from the community. The timing of this meeting suggests it will be June before the Board decides whether to keep cash proffers as they are, or make changes.

Dr. Wallin advised many of the applicants pushed their cases out to July with the anticipation that the cash proffers issue would be resolved. We need to make some adjustments in the schedules or be more flexible with the deferrals.

Mr. Turner stated that staff will begin talking with applicants and if they wish to push their cases out further, he will advise the Commission of their intent.

VI. PLANNING COMMISSION FOLLOW-UP ITEMS LIST.

There were no comments on items listed on the follow-up list.

VII. REVITALIZATION STRATEGY STATUS UPDATE.

Dr. David Pritchard presented an update to the Commission advising a full presentation will be made at the July 2014 Planning Commission work session.

Dr. Pritchard advised there are current efforts that are continuing, even though the Revitalization Strategy was not funded in the FY15 budget. There were two (2) areas of funding that were adopted for the FY15 budget; school facility revitalization and the addition of two community policing officers.

In response to a question from Mr. Patton relative to the Sustain our Communities Committee (SOCC), Dr. Pritchard stated that this committee is Board appointed; it meets monthly on a variety of issues and offers guidance to the Revitalization effort.

In response to a question from Mr. Patton relative to Sustain our Communities Committee, Dr. Pritchard stated he would send Mr. Patton a write-up on what SOCC does providing a greater level of detail that what he had with him today.

Dr. Wallin expressed concerns about where we are headed with Revitalization. He hopes we will look for ways to make Revitalization work, establish it as a priority in Chesterfield County and do what we can with the existing resources we have.

VIII. (14PJ0140) CODE AMENDMENT RELATIVE TO PLANNING DEPARTMENT FEES FOR FY 2015.

Mr. Glenn Larson presented an overview of the proposed fee adjustment proposal. The Board adopted a FY15 budget that includes \$701,000 in new revenue from zoning, site plan and subdivision fees. This is \$300,000 greater than the original submitted budget, using the existing fee structure. In order to reach the increased goal, the Board requested the Planning Commission present a recommendation that will generate \$300,000 in additional fees. It was requested that the Commission set a June 17 public hearing concerning proposed fee adjustments. The proposed \$701,000 would increase the overall Planning revenue projection by \$300,000 and would capture about seventeen (17) percent of the Planning Department's FY15 budgeted operating costs.

In response to a question from Mr. Patton, Mr. Turner explained the change to the State law pertaining to the subdivision process. This change could encourage the submission of fifty (50) lot subdivisions or less, and would bypass the preliminary plan process.

In response to a question from Mr. Patton relative to the change in law, Mr. Robinson advised it was changed by the General Assembly and the reasoning behind the change is not provided.

Mr. Turner advised the County is allowed by law to recapture operating costs associated with deferrals. The Planning Department needs to do an analysis to determine the exact cost to process a deferral and will provide this information to the Planning Commission at the next meeting.

In response to a question from Mr. Waller relative to cost recovery goals for development reviews, Mr. Larson responded that in 2002 and 2003, fees were first adjusted on the path towards meeting an unofficial goal of an eighty (80) percent cost recovery; however revenues never reached that target. The closest Planning ever came was in FY 07, a peak year, where about sixty-eight (68) percent of costs were recovered through fees.

In response to a question from Mr. Waller relative to the Board's perception of an appropriate percentage in recovery cost, Mr. Larson explained that in 2002 and 2003 there was much discussion about the eighty (80) percent revenue target but when the recession hit and building slowed down, the discussions about the percentage of target recovery waned.

Dr. Wallin would like to offer the Board some different options concerning the new fee structure and would like some models that show the impact these options will have over the next three to five (3-5) years.

Mr. Larson advised staff could prepare some options for the Board to consider.

On motion of Mr. Patton, seconded by Dr. Brown, the Commission resolved to hold a public hearing on June 17, 2014 regarding the Code Amendment Relative to Planning Department Fees for FY15.

AYES: Messrs. Wallin, Patton, Brown and Waller.
ABSENT: Mr. Gulley.

IX. (14PJ0150) COUNTY STAFF PRESENTATION: MUNICIPAL SEPARATE STORM SEWER SYSTEMS PERMIT

The Commission postponed the presentation until the June 17, 2014 Work Session.

X. (14PJ0151) PLANNING STAFF PRESENTATION: DEMOGRAPHIC AND POPULATION TRENDS.

The Commission postponed the presentation until the June 17, 2014 Work Session.

XI. RECESS.

The Commission briefly recessed at 4: 24 p.m. for the 4:00 p.m. public hearing.

4:00 P.M. PUBLIC MEETING.

I. CALL TO ORDER.

Dr. Wallin, Chairman, called the meeting to order at 4:33 p.m., in the Public Meeting Room, Lane B. Ramsey Administration Building, 10001 Iron Bridge Road, Chesterfield, VA.

II. REQUESTS TO POSTPONE ACTION, EMERGENCY ADDITIONS OR CHANGES IN THE ORDER OF PRESENTATION.

There were no requests to postpone action, emergency additions or changes in the order of presentation.

III. REVIEW MEETING PROCEDURES.

The Planning Commission agreed to forego review of the meeting procedures.

IV. APPROVAL OF THE PLANNING COMMISSION MINUTES.

- April 15, 2014 Minutes.

On motion of Mr. Patton, seconded by Dr. Brown, the Commission resolved to approve the April 15, 2014 Planning Commission minutes with the amendment regarding the Public Notice Ordinance language as handed out by staff today.

AYES: Messrs. Wallin, Patton, Brown and Waller.
ABSENT: Mr. Gulley.

V. PUBLIC MEETING.

- A. 14TW0171:** In Matoaca Magisterial District, Chesterfield Development Inc. requests exception to the number of lots allowed of a one way in and out residential collector street for Wynwood At

Foxcreek, Section 4 in a Residential (R-15) District on 2.88 acres at the north west quadrant of Woolridge Road and Swift Fox Drive. Tax ID's 711-678-5348 and 712-677-2942.

Mr. Andy Scherzer, the applicant's representative, accepted staff's recommendation.

Dr. Wallin opened the floor for public comment.

No one came forward to speak in favor of, or in opposition to, the request.

There being no one to speak, Dr. Wallin closed the public hearing.

In response to a question from Mr. Waller relative to future production of lots and future road construction within the subdivision, Ms. Somervell advised that for any further development, it would have to come before the Planning Commission to seek exception, or construct the roads to allow for a second public access.

In response to a question from Dr. Brown relative to an emergency access road, Ms. Somervell advised the emergency access is with the Foxfield development and was part of a tentative approval in 2007.

Mr. Scherzer advised when the original case was rezoned, Foxfire did not have a stub road into this property and Woolridge Road was the only way in and out for all of the developments. The development was originally planned at about 600 lots and the portion we are talking about is about 500 of those 600. The developers wanted to minimize access to Woolridge Road to keep it a minor arterial road. Today, they will show staff that they are trying to build a good, logical and sequenced subdivision abiding by the rules that currently apply regarding roadways.

On motion of Dr. Wallin, seconded by Mr. Waller, the Commission resolved to approve Case 14TW0171 subject to the following conditions:

CONDITIONS

1. The temporary emergency access road shall be built, inspected and maintained to the Fire Department standards based on the Virginia Statewide Fire Prevention Code. (F)
2. This emergency access shall remain until the second public road access is constructed. (F)

AYES: Messrs. Wallin, Patton, Brown and Waller.

ABSENT: Mr. Gulley.

VI. RECESS.

There being no further business to discuss, the Commission recessed the Afternoon Session at approximately 4:55 p.m., agreeing to meet in the Executive Meeting Room for dinner, and to reconvene in the Public Meeting Room at 6:00 p.m. for the public hearing.

5:00 P.M. DINNER - EXECUTIVE MEETING ROOM.

During dinner, there was general discussion on topics related to the Planning Commission.

6:00 P.M. PUBLIC HEARING.

I. CALL TO ORDER – PLANNING COMMISSION.

Dr. Wallin called the meeting to order.

II. CALL TO ORDER – PRESERVATION COMMITTEE.

Ms. Mary Ellen Howe called the Committee to order.

III. INVOCATION.

Dr. Wallin presented the invocation.

IV. PLEDGE OF ALLEGIANCE TO THE FLAG OF UNITED STATES OF AMERICA.

Mr. Evan Garloff, Mr. Aaron Hamilton, Mr. Arvind Manohar and Mr. Alex Bashensky, students at Watkins Elementary, presented the pledge.

V. REVIEW UPCOMING AGENDAS.

Mr. Kirk Turner reviewed the upcoming agendas.

VI. REQUEST TO POSTPONE ACTION, EMERGENCY ADDITIONS OR CHANGES IN THE ORDER OF PRESENTATION.

There were no requests to postpone action, emergency additions or changes in the order of presentation.

VII. REVIEW MEETING PROCEDURES.

Mr. Kirk Turner reviewed the meeting procedures.

VIII. JOINT PRESERVATION COMMITTEE / PLANNING COMMISSION PUBLIC HEARING, CONSIDERATION OF THE FOLLOWING CASE.

- A. 14HP0147:** In Dale Magisterial District, **First Baptist Church of Centralia** requests historic landmark designation for the **Historic First Baptist Church of Centralia** (parcel and structure) in a Residential (R-7) District on 1 acre known as 4412 Centralia Road. The Comprehensive Plan suggests the property is appropriate for Residential use (1 dwelling per acre or less). Tax ID786-664-6124.

Ms. Heather Barrar presented an overview of the case and recommendation of approval.

Deaconess Dr. Jane J. Baskerville and Dr. Wilson E. B. Shannon, the applicants, presented the historical background on the site and the buildings of the Historic First Baptist Church of Centralia.

Ms. Carole Waller, chair of the First Baptist Church of Centralia ministry, spoke in support of the historic designation.

Ms. Therese Wagenknecht, past president of Chesterfield Historical Society of Virginia, spoke on behalf of the Chesterfield Historical Society of Virginia voicing support for the historical designation.

Ms. Mae Friend, Mr. Reuben Turner, Ms. Monica Fontenot, and Ms. Linda Ervin, all voiced support for the historical designation.

Dr. Wallin recognized Mr. Jim Holland, Chairman of the Chesterfield County Board of Supervisors, who voiced support for the historical designation.

Dr. Wallin closed the public hearing.

Ms. Howe asked the members of the church to stand and thanked them for coming.

Ms. Howe advised this is the first time the County will grant historical designation to a rebuilt structure due to the attention to detail and care that went into building this church resulting in an exact duplicate that sits upon the original one (1) acre site.

On motion of Mr. Daniels, seconded by Mr. Walker, the Preservation Committee resolved to recommend approval of Case 14HP0147, for the historical designation to the Historic First Baptist Church of Centralia.

AYES: Ms. Howe, Messrs. Daniels, Dutton, Morris, Walker and Wallace.
ABSENT: Mr. Cogbill.

On motion of Dr. Brown, seconded by Mr. Patton, the Commission resolved to recommend approval of Case 14HP0147.

AYES: Messrs. Wallin, Patton, Brown and Waller.
ABSENT: Mr. Gulley.

IX. ADJOURNMENT OF THE PRESERVATION COMMITTEE AND RECESS OF THE PLANNING COMMISSION.

On motion of Mr. Morris, seconded by Mr. Walker, the Preservation Committee adjourned.

AYES: Ms. Howe, Messrs. Daniels, Dutton, Morris, Walker and Wallace.
ABSENT: Mr. Cogbill.

X. CALL TO ORDER.

Dr. Wallin called the 6:00 p.m. Planning Commission meeting to order at 6:42 p.m.

XI. REVIEW MEETING PROCEDURES.

The Planning Commission agreed to forego review of the meeting procedures.

XII. CITIZENS' COMMENT ON UNSCHEDULED MATTERS.

There were no citizens' comments on unscheduled matters.

XIII. PUBLIC HEARING.

- **DEFERRAL REQUESTS BY APPLICANTS - CONDITIONAL USE AND REZONING.**

- A. **12SN0154***: (AMENDED) In Dale Magisterial District, **Dominion Investment Partners, LLC** requests rezoning from Residential Townhouse (R-TH) to Residential Multifamily (R-MF) and amendment of zoning district map on 30 acres fronting in two (2) places for a total of 1,135 feet on the north line of Genito Road, across from Genito Lane. Density will be controlled by zoning conditions or ordinance standards. The Comprehensive Plan suggests the property is appropriate for High Density Residential use (minimum 8.0 to 12.0 dwellings per acre). Tax IDs 747-681-7089, 747-682-7022 and 8276; and 748-681-0499.

Dr. Brown advised the applicant was not present but they did mail a notification to each Commissioner.

Dr. Wallin opened the floor for public comments.

No one came forward to speak in favor of, or in opposition to, the deferral.

There being no one to speak, Dr. Wallin closed the public hearing.

On motion of Dr. Brown, seconded by Mr. Patton, the Commission resolved to defer Case 12SN0154 to the August 19, 2014 Planning Commission public hearing.

AYES: Messrs. Wallin, Patton, Brown and Waller.

ABSENT: Mr. Gulley.

- **CONSENT ITEMS-REZONINGS AND CONDITIONAL USE PLANNED DEVELOPMENT.**

- B. **14SN0566**: In Bermuda Magisterial District, **Happy Boxes Rivers Bend, LLC** requests a conditional use to permit a computer controlled variable message electronic sign and amendment of zoning district map in a General Industrial (I-2) District on 7.4 acres known as 1350 West Hundred Road. Density will be controlled by zoning conditions or ordinance standards. The Comprehensive Plan suggests the property is appropriate for Community Mixed use. Tax ID 807-653-4067.

Ms. Lynn Sykes, the applicant, accepted staff's recommendation.

Dr. Wallin opened the floor for public comments.

No one came forward to speak in favor of, or in opposition to, the request.

There being no one to speak, Dr. Wallin closed the public hearing.

On motion of Mr. Patton, seconded by Dr. Brown, the Commission resolved to recommend approval of Case 14SN0566 subject to the following condition:

CONDITION

In addition to ordinance requirements, any computer-controlled, variable message, electronic sign shall conform to the following standards:

- a. Copy shall be limited to a maximum of three (3) lines and shall not move but may fade;
- b. The message or display shall be programmed to change no more than once every thirty (30) seconds;
- c. Sequential messaging shall be prohibited;
- d. Flashing and traveling messages shall be prohibited;
- e. Bijou lighting and animation effects shall be prohibited;
- f. The electronic message center shall be incorporated into an architecturally designed sign structure that is compatible and complimentary to the building it serves; and
- g. Brightness shall be limited so as not to exceed 0.3 foot candles above ambient light as measured using a foot candle meter at a distance of seventy-seven (77) feet. The sign shall have a photocell that automatically adjusts the brightness according to the ambient light conditions. (P)

AYES: Messrs. Wallin, Patton, Brown and Waller.

ABSENT: Mr. Gulley.

- C. 14SN0568:** In Dale Magisterial District, **Donna L. Williams** requests conditional use to permit a family day-care home and amendment of zoning district map in a Residential (R-12) District on .5 acre known as 4100 Dodds Ridge Drive. Density will be controlled by zoning conditions or ordinance standards. The Comprehensive Plan suggests the property is appropriate for Suburban Residential II use (2.0 to 4.0 dwellings per acre). Tax ID 755-686-9399.

Ms. Donna Williams, the applicant, accepted staff's recommendation.

Dr. Wallin opened the floor for public comments.

Ms. Katina Powell, Ms. Mary Wilkins, Ms. Maureen Eberly, Mr. Dan Nerring, Ms. Tara Campbell, Mr. Kenneth Williams and Ms. Sheri Stephens spoke in favor of the day care center.

There being no one else to speak, Dr. Wallin closed the public hearing.

On motion of Dr. Brown, seconded by Mr. Patton, the Commission resolved to recommend approval of Case 14SN0568 subject to the following eight (8) proffered conditions:

PROFFERED CONDITIONS

1. Non-Transferable Ownership: This conditional use approval shall be granted to and for Donna L. Williams, exclusively, and shall not be transferable nor run with the land. (P)
2. Expansion of Use: There shall be no exterior additions or alterations to the existing structure to accommodate this use. (P)
3. Signage: There shall be no signs permitted to identify this use. (P)
4. Number of Children: This conditional use approval shall be limited to providing care, protection and guidance to a maximum of twelve (12) children, other than the applicant's own children, at any one time. (P)
5. Hours of Operation: Hours and days of operation shall be limited to Monday through Friday from 6 a.m. to 6 p.m. There shall be no Saturday or Sunday operation of this use. (P)
6. Time Limitation: This conditional use approval shall be granted for a period not to exceed ten (10) years from the date of approval. (P)
7. Fenced Outdoor Play Areas: Any outdoor play area and/or recreational equipment utilized by the family day-care home shall be located in the side or rear yard of the property. Outdoor play and/or recreational equipment areas shall have perimeter fencing of at least four (4) feet in height, installed around the equipment or play area. Equipment for outdoor play areas shall be located no closer than fifteen (15) feet to the side property lines and no closer than ten (10) feet to the rear property line. (P)
8. Employees: No employees shall be permitted to work on the premises other than family member employees that live on the premises. (P)

AYES: Messrs. Wallin, Patton, Brown and Waller.

ABSENT: Mr. Gulley.

- D. **14SN0569**: In Dale Magisterial District, **J&B Realty, LLC** requests rezoning from Residential (R-7) and Neighborhood Business (C-2) to Neighborhood Business (C-2) and amendment of zoning district map on 5 acres fronting 220 feet on the west line of Iron Bridge Road, 615 feet southwest of Omo Road. Density will be controlled by zoning conditions or ordinance standards. The Comprehensive Plan suggests the property is appropriate for Neighborhood Business use. Tax IDs 774-681-6212 and 8720.

Mr. Jack Wilson, the applicant's representative, accepted staff's recommendation.

Dr. Wallin opened the floor for public comments.

No one came forward to speak in favor of, or in opposition to, the request.

There being no one to speak, Dr. Wallin closed the public hearing.

On motion of Dr. Brown, seconded by Mr. Patton, the Commission resolved to recommend approval of Case 14SN0569 subject to the following eight (8) proffered conditions:

PROFFERED CONDITIONS

The property owner and applicant in this case, pursuant to Section 15.2-2298 of the Code of Virginia (1950 as amended) and the Zoning Ordinance of Chesterfield County, for themselves and their successors and assigns, proffer that the property under consideration (the "Property") will be developed according to the following proffers if, and only if, the request submitted herewith is granted with only those conditions agreed to by the owner and applicant. In the event this request is denied or approved with conditions not agreed to by the owner and applicant, the proffers shall immediately be null and void and of no further force or effect.

1. Architectural & Site Design Compatibility. The Applicant shall develop the property as a part of a project as defined by the zoning ordinance with Tax IDs 775-681-0643, 0717 and 2234 (CVS properties), and will apply architectural compatibility within a project and consistent landscaping, parking lot lighting, and signage throughout the project area. (P)
2. Fencing. A wood privacy fence a minimum of six (6) feet in height shall be installed along the northern property line upon commencement of development. The design and exact location of the fence shall be determined at the time of site plan review. (P)
3. Prohibited Uses. The following uses shall not be permitted on the Property:
 - A. Churches and/or Sunday Schools
 - B. Rest or convalescent homes
 - C. Coin operated laundry facilities
 - D. Alternative financial institutions. (P)
4. Dedication. Prior to any site plan approval, or within sixty (60) days of a written request by the Transportation Department, whichever occurs first, one hundred (100) feet of right-of-way on the west side of Iron Bridge Road (Route 10), measured from the centerline of that part of Route 10 immediately adjacent to the Property, shall be dedicated, free and unrestricted, to and for the benefit of Chesterfield County. (T)
5. Access. There shall be no direct vehicular access from the property to Route 10. (T)
6. Road Improvements. To provide an adequate roadway system, the Developer shall be responsible for the following improvements. The exact design and length of these improvements shall be approved by the Transportation Department.
 - A. Construction of an additional lane of pavement along the southbound lanes of Route 10 for the entire length of the property frontage;
 - B. Construction of a sidewalk along the entire property frontage to Route 10;
 - C. Dedication to Chesterfield County, free and unrestricted, any additional right-of-way (or easements) required for the improvements identified above. (T)

7. Phasing Plan. Prior to the issuance of an occupancy permit for any development on Tax ID 774-681-6212 (6440 Iron Bridge Road), the road improvements identified in Proffered Condition 7 shall be completed as determined by the Transportation Department. (T)
8. Drainage. Storm drainage from all impervious areas and to the maximum extent practical, graded pervious areas, shall be directed away from residential properties to the north that front on Omo Road. Storm drainage on the subject property shall be directed towards the existing drainage easements located on Tax ID 775-681-0717 (6400 Iron Bridge Road). (EE)

AYES: Messrs. Wallin, Patton, Brown and Waller.

ABSENT: Mr. Gulley.

- E. **14SN0570**: In Dale Magisterial District, **Branches Bluff Development Company** requests amendment of zoning (Case 09SN0111) relative to cash proffers and amendment of zoning district map in a Residential (R-12) District on 10.8 acres lying 270 feet off the southern terminus of Branches Wood Lane, 90 feet south of Birchs Bluff Road. Density will be controlled by zoning conditions or ordinance standards. The Comprehensive Plan suggests the property is appropriate for Suburban Residential II use (2.0 to 4.0 dwellings per acre). Tax IDs 785-670-Part of 7367; 786-669-0085; 786-670-4173 and 4249.

Ms. Debbie Stoddard, the applicant's representative, accepted staff's recommendation.

Dr. Wallin opened the floor for public comments.

No one came forward to speak in favor of, or in opposition to, the request.

There being no one to speak, Dr. Wallin closed the public hearing.

On motion of Dr. Brown, seconded by Mr. Waller, the Commission resolved to recommend approval of Case 14SN0570 subject to the following proffered condition:

PROFFERED CONDITION

With the approval of this request, Proffered Condition 2 of Case 98SN0111 would be amended as provided below. All other conditions of Case 98SN0111 would remain in force and effect.

Cash Proffer

- A. For each dwelling unit, the applicant, sub-divider, or assignee(s) shall pay the following to the County of Chesterfield, prior the issuance of a building permit for infrastructure improvements within the service district for the property; provided, however, that the period through June 30, 2017, the applicant sub-divider, or assignee(s) shall pay the following to the County of Chesterfield, immediately after completion of the final inspection:
 - i. \$18,966.00 per dwelling unit, if paid prior to July 1, 2017; or
 - ii. If paid after June 30, 2017, and before July 1, 2018, \$18,966.00 per dwelling unit, adjusted for the four year cumulative change in the Marshall and Swift Building Cost Index between July 1 of the fiscal year in which the case was approved and

July 1 four (4) years later. Thereafter, the per dwelling unit cash proffer amount shall be automatically adjusted, annually, by the annual change in the Marshall and Swift Building Cost Index on July 1 of each year.

- iii. In the event the cash payment is not used for which proffered within fifteen (15) years of receipt the cash shall be returned in full to the payer.
- iv. Should any impact fees be imposed by Chesterfield County at any time during the life of the development that are applicable to the property, the amount paid in cash proffers shall be in lieu of or credited toward but not to be in addition to any impact fees in a manner determined by the County.

B. Cash proffer payments shall be spent for the purposes proffered or as otherwise permitted by law. (B&M)

AYES: Messrs. Wallin, Patton, Brown and Waller.
ABSENT: Mr. Gulley.

• **CONDITIONAL USE - OTHER.**

- F. **14SN0571:** In Matoaca Magisterial District, **Leslie D. and Dawn R. Jones** request conditional use to permit a business (group instruction for farming practices) incidental to a dwelling and amendment of zoning district map in an Agricultural (A) District on 3.7 acres 9521 Millhouse Drive. Density will be controlled by zoning conditions or ordinance standards. The Comprehensive Plan suggests the property is appropriate for Suburban Residential II use (2.0 to 4.0 dwellings per acre). Tax ID 741-665-3042.

Mr. Ryan Ramsey presented an overview of the case and staff's recommendation for denial. He noted the request property is surrounded by properties zoned R-7, R-15 and Agricultural (A) and occupied by single-family residential uses and that a farm with livestock, including goats, currently operates on the property. He stated that proffered conditions would be restricted to group instruction business to five (5) years for the applicants and their son, provided he resides on the property. Proffered conditions also limited hours of operation, precluded off site employees, limited the number of clients and vehicles on the property at any one time, and the frequency of the instruction. He indicated the proposed property use does not conform to the Plan and is not compatible with area residential development.

The applicant was not able to attend the meeting.

Dr. Wallin opened the floor for public comment.

No one came forward to speak in favor of, or in opposition to, the request.

There being no one to speak, Dr. Wallin closed the public hearing.

Dr. Wallin noted the property is unique, given the agricultural zoning bordered by residential communities; that no one attended the community meeting for this case; that proffers would limit activities on the site and insure adequate parking; and that the operation represents an educational service to young people in taking care of natural resources.

On motion of Dr. Wallin, seconded by Mr. Waller, the Commission resolved to recommend approval of Case 14SN0571 subject to the following nine (9) proffered conditions:

PROFFERED CONDITIONS

- 1) Non-Transferable Ownership: This conditional use shall be granted to and for Leslie and Dawn Jones, exclusively, and shall not be transferable nor run with the land with the exception of the applicant's son, Eli Jones, provided Eli Jones resides on the property. (P)
- 2) Use Permitted: This Conditional Use approval shall be for the operation of a business with group instruction, incidental to a dwelling. (P)
- 3) Time Limitation: This Conditional Use approval shall be granted for a period not to exceed five (5) years from the date of approval. (P)
- 4) Hours of Operation: Hours of operation shall be limited to 10 a.m. to 6 p.m. daily. (P)
- 5) Expansion of Use: No new building construction shall be permitted to accommodate this use. (P)
- 6) Employees: No employees shall be permitted to work on the premises other than family member employees that live on the premises. (P)
- 7) Group Instruction: No more than twenty (20) clients shall be permitted on the property at any one time. No more than seven (7) instructional classes shall be held in a week (Monday through Sunday). (P)
- 8) Signage: One sign, not exceeding one (1) square foot in area, shall be permitted to identify this use. (P)
- 9) Parking: No more than seven (7) vehicles for clients shall be parked on the premises at any one time. Parking for these vehicles shall be restricted to the area designated as "Proposed Parking Area" on Exhibit A, dated March 13, 2014. (P)

AYES: Messrs. Wallin, Patton, Brown and Waller.

ABSENT: Mr. Gulley.

- G. 14SN0572:** In Midlothian Magisterial District, **Shayma E. Said** requests conditional use to permit a stock farm (keeping of fowl) and amendment of zoning district map in an Agricultural (A) District on 2.3 acres known as 1906 Otterdale Road. Density will be controlled by zoning conditions or ordinance standards. The Comprehensive Plan suggests the property is appropriate for Suburban Residential I use (maximum of 2.0 dwellings per acre). Tax ID 716-697-3404.

Ms. Darla Orr presented an overview of the case and staff's recommendation for denial. She noted area properties are zoned Agricultural (A), Residential (R-40) and Community Business (C-3). She advised the subject property is zoned Agricultural and contains less than three (3) acres, permitting the keeping of twelve (12) or fewer chickens or fowl. The applicant has been keeping a stock farm consisting of over forty-three (43) fowl, which include ducks, hens and roosters, for the last fifteen (15) months. Stock farm use requires a minimum of three (3) acres. The applicant also owns an adjacent property totaling 0.3 acre bringing the total acreage to 2.60 acres, just under the required

three (3) acres for stock farms. The applicant is requesting a conditional use for a stock farm. They are offering proffered conditions to limit the number of ducks to ten (10), hens would be limited to thirty-three (33) and no roosters, the use would be limited to five (5) years and is for only the applicant, the chickens will not be free range and will not be located in the front, side or corner yard and the coop would not be enlarged. She will plant an evergreen screen to hide the coop and run from view.

Dr. Wallin opened the floor for public comment.

Ms. Shayma E. Said, the applicant, advised she keeps the coop and pens clean, feeds her family with the fowl she raises and has cleaned up the property since they purchased it. She has received no complaints from neighbors about smell or noise.

Ms. Sandy Vaner, Mr. Seth Austin and Mr. Paul Little, all neighbors, advised the fowl present no odor issues, the coop is unnoticeable and the property is well maintained. They commended the applicant's efforts in removing debris and discarded material left on the property by the former owners; and noted the proffers offer greater limitations than ordinance requirements for keeping twelve or fewer chickens today.

Ms. Melody Kidd noted she no issues with the use or proffers, but suggested the use could impact property values.

There being no one else to speak, Dr. Wallin closed the public hearing.

Mr. Waller advised the applicant has made significant improvements to the property and he noticed no odor issues as mentioned in a complaint. He has received two (2) letters of opposition from neighbors who live on Gamecock Road. Because the applicant is reducing the number of fowl, is landscaping to camouflage the coop and with the elimination of roosters, he will support the case.

On motion of Mr. Waller, seconded by Dr. Wallin., the Commission resolved to recommend approval of Case 14SN0572 subject to the following seven (7) proffered conditions:

PROFFERED CONDITIONS

1. This conditional use shall be granted to and for Shayma Said, exclusively, and shall not be transferable or run with the land. (P)
2. A maximum of thirty-three (33) chickens and ten (10) ducks may be kept on the property. The keeping of roosters shall be prohibited. (P)
3. All chickens and ducks shall be confined to an enclosed area or pen. The pen shall not be located in the front or corner side yards of the property. The pen shall be located a minimum of fifty (50) feet from the side and rear property lines and a minimum of one hundred (100) feet from corner side property line measured from Gamecock Road. (P)
4. No less than one hundred (100) square feet of the existing building, which is identified on Attachment 1 as the existing coop and which contains approximately four hundred twelve (412) gross square feet, shall be maintained to serve as the coop. There shall be no additions permitted to this building to accommodate the use. A fenced outside run, no less

than five hundred (500) square feet and no greater than seven hundred (700) square feet in area, shall be provided. (P)

5. All areas associated with the keeping of chickens (pens, coups, shelters, etc.) shall be cleaned and made free of waste on a regular basis. In addition, the property owner shall employ a means of eliminating any odor problems and propagation of insects. (P)
6. A single row of evergreen trees shall be planted along the northern and western boundary of the outside run to reduce visibility of the run from Gamecock Road and the adjacent property to the west. Within sixty (60) days of the approval of this request, the applicant shall submit a landscaping plan to the Planning Department for review and approval. The approved landscaping shall be installed within ninety (90) days of the approval of the landscape plan. (P)
7. This Conditional Use shall be granted for a period not to exceed five (5) years from the date of approval. (P)

AYES: Messrs. Wallin, Patton, Brown and Waller.

ABSENT: Mr. Gulley.

XIV. CITIZEN COMMENT ON UNSCHEDULED MATTERS.

There were no citizen comments on unscheduled matters.

XV. ADJOURNMENT.

There being no further business to come before the Commission, it was on motion of Mr. Patton, seconded by Dr. Brown that the meeting adjourned at 7:43 p.m. to Tuesday, June 17, 2014 at 1:30 p.m., in the Public Meeting Room, 10001 Iron Bridge Road, Chesterfield, Virginia.

Chairman/Date

Secretary/Date